

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALLEN MOYER, et al.,
Plaintiffs,

v.

JOSEPH R. CELLURA, et al.,
Defendants.

Case No. 23-cv-03004-SVK

**ORDER ON PLAINTIFFS' MOTION
TO LIFT STAY**

Re: Dkt. No. 35

On October 19, 2023, the Court stayed this case under the first-to-file rule in light of a pending case in the Southern District of New York, *ADMI Inc. v. Moyer*, No. 1:22-cv-09339-ALC (the “New York Action”). Dkt. 30. At the time, there were motions to dismiss the New York Action and to enjoin this action pending in the New York Action. *See id.* at 3. Now before the Court is Plaintiffs’ motion to lift the stay, which argues that this Court should lift the stay because the court in the New York Action has not yet ruled on the motion to dismiss and for other reasons. Dkt. 35. All Parties have consented to the jurisdiction of a magistrate judge. Dkt. 7, 21. This motion is suitable for determination without a hearing. Civ. L.R. 7-1(b).

Plaintiffs’ motion to lift the stay is **DENIED WITHOUT PREJUDICE** because they have not demonstrated any relevant change in the circumstances that led the Court to stay this case. Plaintiffs have the ability to bring the delay in ruling on the pending motions in the New York Action to that court’s attention. In fact, it appears that Plaintiffs have recently sent a letter to that court noting that the motion to dismiss remains pending. *See* Dkt. 75 in the New York Action.

The Parties must file a joint status report by the earlier of (1) **14 days** after a ruling by the court in the SDNY Action on the pending motion to enjoin and/or motion to dismiss, or (2) **September 23, 2024**.

SO ORDERED.

Dated: July 24, 2024



SUSAN VAN KEULEN
United States Magistrate Judge